

### **REMARKS**

Claims 1-4, all the claims pending in the application, stand rejected. Applicant has not entered any claim amendments.

#### ***Drawings***

Applicant notes that in the Office Action, the Examiner has not indicated that the drawings were received and are acceptable. In the absence of further comment by the Examiner, the Applicant will assume that the drawings are acceptable.

#### ***Claim Rejections - 35 U.S.C. § 102***

As a preliminary matter, Applicant wishes to note that the U.S. law concerning anticipation provides that “a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131(8<sup>th</sup> Edition), *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Applicant respectfully submits that the claims as presently pending in the application are not anticipated due to the failure of the single prior art reference to teach each and every claim limitation, as subsequently demonstrated.

**Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kaminkow et al (2003/0064770).** This rejection is traversed for at least the following reasons.

The invention concerns a video game machine, such as a slot machine or poker game machine, that is capable of changing the speed of progress of a game. Desirably, the speed is changed in a manner that is appropriate for the player, from the viewpoint of the player and in a manner suitable for the player or the player’s psychological state, as noted at page 2 of the specification.

The change of speed is commanded by a player, on the basis of signal commands. As explained at page 4 of the specification, when a player “intermittently” presses an “operating portion, such as an operation button, a plurality of times, an “**intermittent signal**” is output from the operating portion. When the player “continuously” presses the operating portion, i.e.,

maintains a pressed state of the operations button, a “**continuous signal**” is produced. The terms “intermittent” and “continuous” are defined at pages 8 and 9.

These signals are detected by the game machine within a predetermined period of time and allow a player to determine whether to change his/her speed of progress in the game. The terms “intermittent signal”, “continuous signal”, are both defined at page 5 of the specification, in connection with a player’s expression of a desire to change his speed of game. This feature permits the player to determine when the speed of the game should be changed.

The time at which such speed can be changed will vary from (1) a change during the game to (2) a change after completion of a current game. In the latter case, a flag may be set to indicate that a game should be changed at the next opportunity, specifically during an interruption or at the end of a game.

As explained at page 6, preferably the game machine includes a prompt controller that prompts the player to determine whether to change his speed of progress in the game after the current game is completed. Thus the request is held in a standby condition until an interval between the current game and the next game arises. Alternatively, as disclosed at page 7, the game may be temporarily and immediately brought into a paused state when the request for changing the speed of progress in game is issued. Finally, as explained at page 8, every store signal output may be generated to terminate the game.

The routine for controlling the game in accordance with the foregoing principles is illustrated in Figs. 3, 4a and 4b. In particular, in Fig. 4b, as disclosed at pages 13 and 17, a detection of a signal of plurality of times or for a long period of time signifies a player’s desire to change speed.

#### Claim 1

The claimed game machine in independent claim 1 includes an operating portion, which is controlled by a player, and a signal detector which detects either a “**continuous signal**” or an “**intermittent signal**,” each within a predetermined period of time. It also requires a prompter, which **prompts a player** when either the continuous signals or intermittent signals are detected,

and the determination receiver which receives a player's determination to change speed and a speed changer which changes the speed in the game.

Claims 2-4

Dependent claim 2 specifies that the change occurs after the current game is completed, while claim 3 specifies that the change occurs after the game is suspended. Claim 4 adds a restorer which restores the speed of progress to an initial speed, after completion of the game.

**Kaminkow et al**

The Examiner asserts that Kaminkow anticipates claim 1 on the basis of the teachings in paragraphs [0011] - [0012] and [0052] - [0055] and the illustrations in Fig. 6A. In explaining the rejection, the Examiner correctly observes that Kaminkow teaches a game device that permits a change in the speed of a game.

However, contrary to the present invention, which allows the player to control when a request to change the speed of the game may be made, on the basis of specific signal inputs by the player, Kaminkow provides such opportunity under automatic game control and without player input. As explained at paragraphs [0009], the game device defines or sets a number of masked choices or selections that the player can accept. When the player accepts the predefined number of masked choices or selections, the gaming device adds or multiplies the values associated with the selected choices to form an award that the game provides to the player. Time periods are set within which the player must make a choice. If no choice is made, different masks choices or selections are provided. When the player selects a mask choice, the gaming device provides a value and may also generate a speed change. As explained at paragraph [0012], the gaming device may contain a suitable number of speed-changes. As explained, the player desires to obtain "as many speed-changes as possible and as soon as possible so that the players allotted number of opportunities to select masked choices or selections are filled with values from subsequent relatively high value ranges."

The teachings at paragraph [0052] - [0055] refer to Figs. 6A and 6B, where the speed-change feature is illustrated. A clock 106 sets a time period to an initial length of time. The clock is set to determine the time period within which the player can accept input 104 and an

accepted selection 102 provides a value in a range, as illustrated in display 108, that has changed. The speed change changes the subsequent value range and may be adapted to provide a value, a separate award, or to increment a multiplying meter, provide a component necessary for a progressive award, or any other suitable function.

Notably, none of these functions relate to a player changing the speed of a game at his own control. Further, none of the teachings in Kaminkow et al, especially at the cited paragraphs [0011], [0012] and [0052] - [0055] teach the use of a player input that is a continuous or intermittent signal, as claimed.

Thus, on the basis of the primary focus of Kaminkow, and the absence of express limitations of a claim, there can be no anticipation of claim 1 by Kaminkow under U.S. law.

#### **Dependent Claims**

Further, claim 2 requires a prompt controller which controls the prompter to prompt the player to determine whether to change the speed of progress in the game after the current game is completed. Notwithstanding the Examiner's reference to Fig. 8 of Kaminkow, which simply illustrates values in ranges Nos. 1-4, and a variety of time periods for making the selection as explained at paragraphs [0064] and [0069], there is no teaching that a change in speed occurs at the end of a game.

With regard to Fig. 3, the teaching of a change in speed in a stand alone or bonus embodiment is not relevant to the basic principles of the game, as asserted with regard to claim 1.

Finally, with regard to claim 4, there is no teaching or suggestion that there shall be a restored signal in accordance with the player's determination to an initial speed of progress of the game, after completion of the game is received. Clearly, the claim language requires that a change in speed take place so that a return to the initial value can be achieved. Similarly, a change after a bonus game is not based upon the speed change specified by the Applicant.

On the foregoing basis, none of the claims should be anticipated.

**Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Sako (JP 2002-018121). This rejection is traversed for at least the following reasons.**

First, Sako, which is not a U.S. application, cannot be the basis for a rejection under 35 U.S.C. §102(e). A careful reading of that section will clearly demonstrate that the published application must be a U.S. application.

Second, Sako was published on January 22, 2002. This would make Sako statutory prior art under 35 U.S.C. §102(b), since it was published more than one year prior to the U.S. filing date of August 19, 2003 for the present application. Thus, Sako will be distinguished from the present invention. Applicant's comments with respect to Sako follow.

**Sako**

A machine translation of Sako indicates that the reference concerns a video game machine that permits a variation in degree of difficulty. The machine includes a CPU, a control unit 2, a difficulty level-setting circuit 11 and a game advanced control circuit 12. The player can choose a particular class of play or a particular degree of difficulty by use of a push button on the control panel of the game machine. This difficulty level setting function is performed at setup time, on the basis of a player selection. However, it is not presented during play of a game. Moreover, it is not set on the basis of an intermittent signal or a continuous signal, as claimed. In the absence of any teaching or suggestion that such signal should be used, the claim clearly cannot be anticipated.

On the basis of the foregoing analysis, Applicant respectfully submits that the claimed invention is distinguishable from each of the two cited references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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